

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNIVERSITY OF VIRGINIA
PATENT FOUNDATION

Plaintiff,

V.

GENERAL ELECTRIC COMPANY
d/b/a GE HEALTHCARE

Defendant.

No. 3:08-cv-00025-nkm

**MOTION TO SEAL PLAINTIFF'S THIRD MOTION TO COMPEL AND ALL
SUPPORTING DOCUMENTS**

Plaintiff University of Virginia Patent Foundation (“Patent Foundation”) hereby moves pursuant to Local Rule 9(c) to file under seal Plaintiff’s Third Motion to Compel and All Supporting Documents. The documents were hand-delivered to the Clerk of Court on August 2, 2011. The Motion to Compel and Exhibits D, H, I, J, U and V contain information of a sensitive nature whose disclosure the Patent Foundation believes would cause harm to the designating party. As further grounds for its Motion to Seal, Plaintiff states as follows:

1. Plaintiff's Third Motion to Compel contains references to and quotations from the confidential exhibits to be sealed below.
2. Exhibit D to the Declaration is GE's Second Set of Supplemental Objections and Responses to Plaintiff's Interrogatories Numbers Six and Eight, which GE has designated as Confidential pursuant to the Protective Order in this case. (Dkt. No. 87).
3. Exhibit H to the Declaration is a letter from Joseph DePumpo to David Eiseman, dated June 28, 2011 containing information designated as Confidential by the parties.

4. Exhibit I to the Declaration is email correspondence between Joseph DePumpo and Victoria Maroulis dated June 19, 2011, which contains information designated as Confidential by the parties.

5. Exhibit J to the Declaration contains GE technical documents designated by GE as Confidential Outside Counsel Eyes Only pursuant to the Protective Order in this case. (Dkt. No. 87).

6. Exhibit U to the Declaration contains excerpts from the deposition of Sandhya Parameswaran dated January 27, 2011 and designated by GE as Confidential Outside Counsel Eyes Only pursuant to the Protective Order in this case. (Dkt. No. 87).

7. Exhibit V to the Declaration a copy of Exhibit 8 to the deposition of Sandhya Parameswaran dated January 27, 2011 and designated by GE as Confidential Outside Counsel Eyes Only pursuant to the Protective Order in this case. (Dkt. No. 87).

8. There is no practicable alternative to sealing these documents that would adequately protect the confidential information therein.

9. The Patent Foundation requests that the documents remain under seal until the case is closed and the time for appeal has past.

10. The Patent Foundation further requests that when the case is closed and the time for appeal has past, the Clerk return the documents to counsel of record below and not unseal or publicly disclose these documents.

11. WHEREFORE, for the foregoing reasons, the Patent Foundation respectfully requests that the Court enter an Order sealing Plaintiff's Third Motion to Compel and All Supporting Documents. A proposed order is submitted herewith.

Dated: August 2, 2011

Respectfully submitted,

/s/ Joseph F. DePumpo
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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed **MOTION TO SEAL PLAINTIFF'S THIRD MOTION TO COMPEL AND ALL SUPPORTING DOCUMENTS** with the clerk of court for the United States District Court, Western District of Virginia, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

August 2, 2011
Date

/s/ Joseph F. DePumpo
Joseph F. DePumpo